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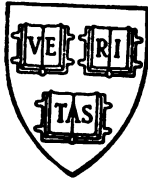
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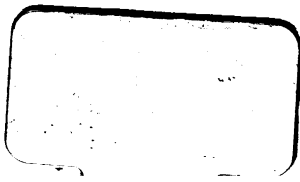
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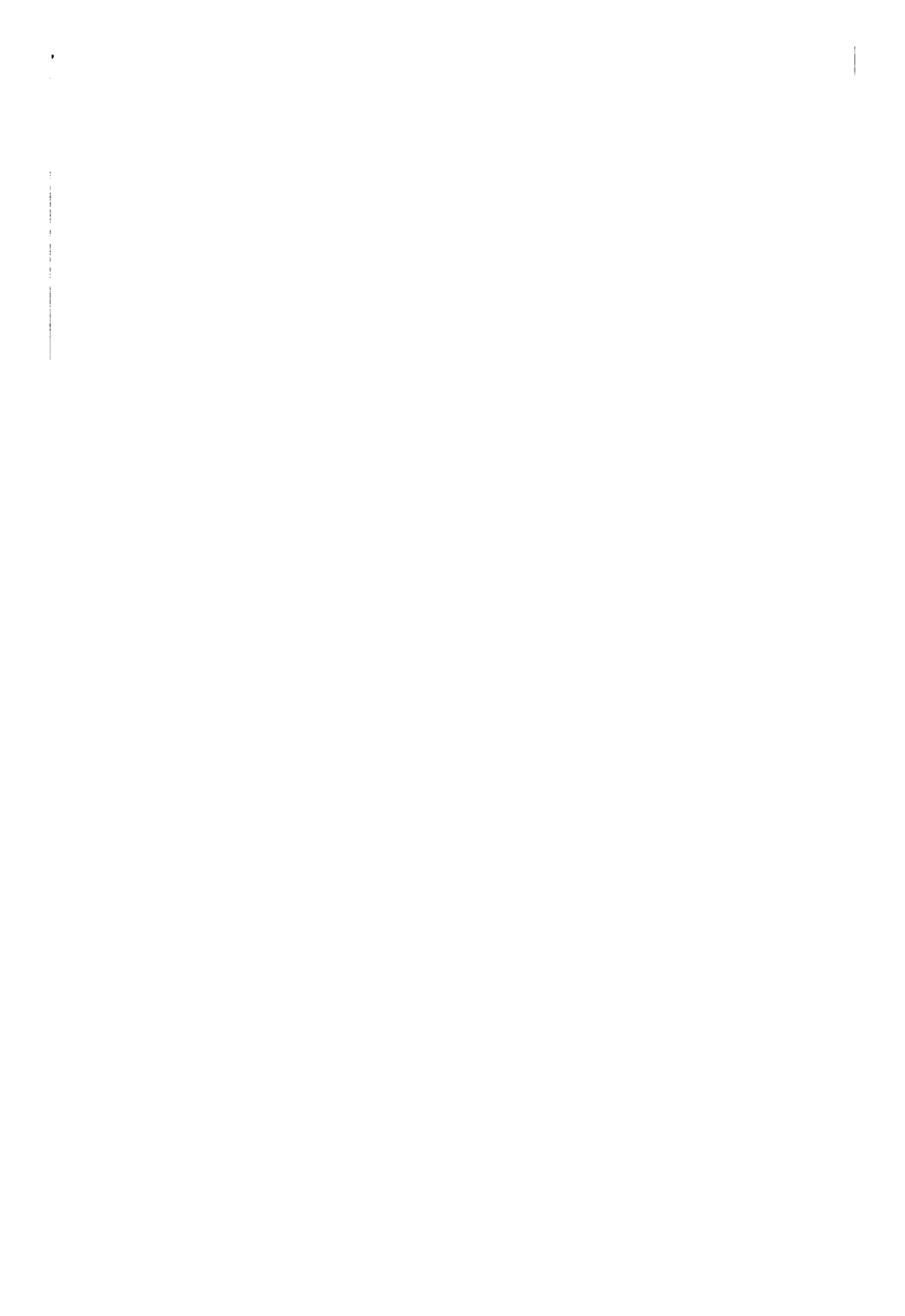
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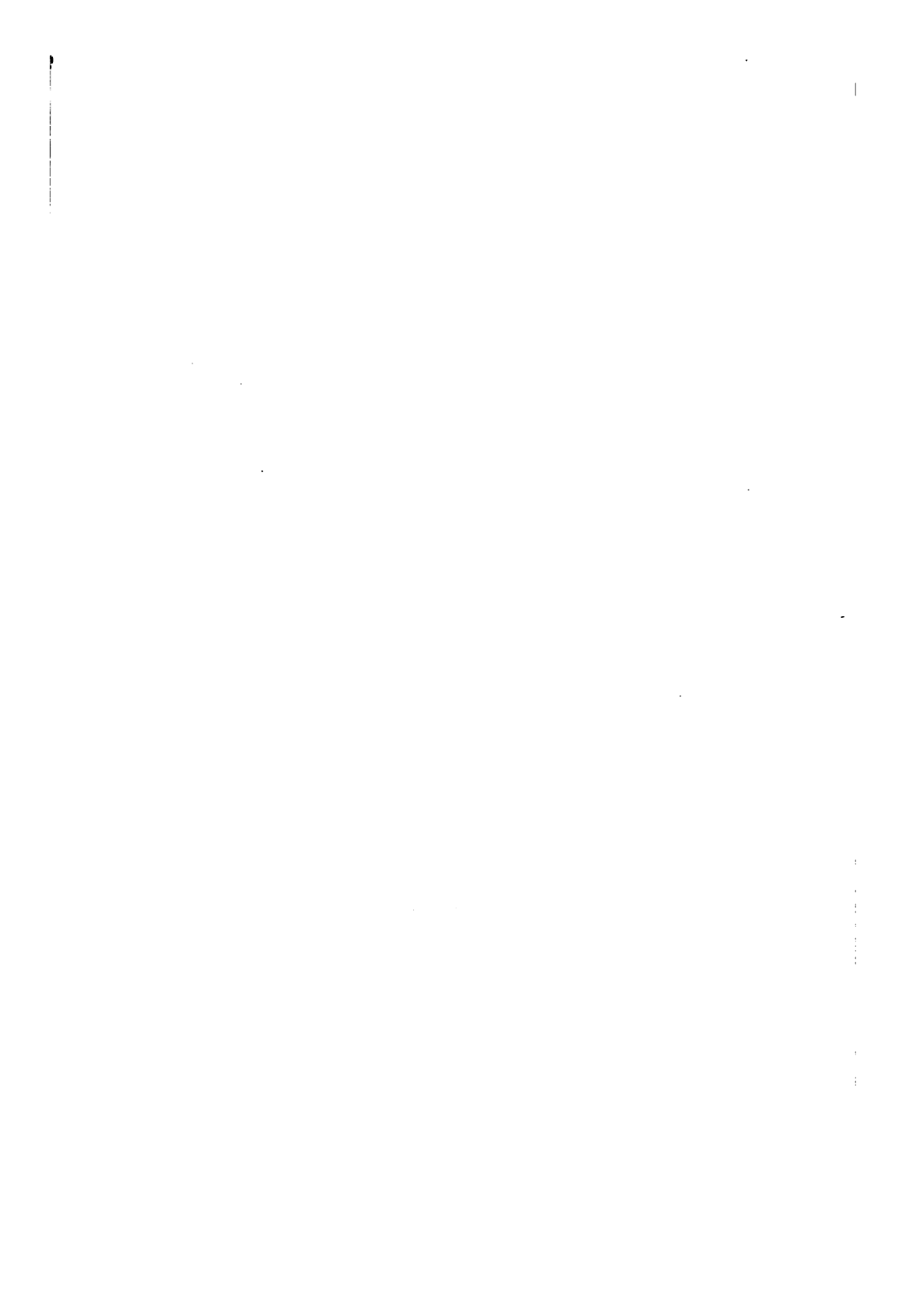
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ON

ANCIENT MANORIAL CUSTOMS

TENURES,

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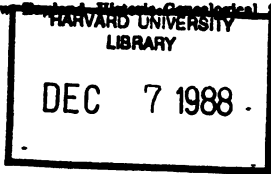
FINES, ETC.,

IN THE COUNTY OF ESSEX.

BY

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ANCIENT MANORIAL CUSTOMS IN THE COUNTY OF ESSEX.

AMONGST the Ancient Manorial Customs, Tenures, Services, Privileges, Serjeanties, Grants, &c., met with in English Records, there are perhaps none so peculiar as those relating to the County of Essex; and although most of these are now quite obsolete, it may be worth while to preserve them in a collective form. My first idea was to take an imaginary tour through the County, describing the Customs, Tenures, &c., *en route*. Upon further consideration it struck me that the best way would be to classify the matter without reference to locality, which in the following pages I have accordingly endeavoured to do.

Among ancient forms of Grant, &c., Blount gives a charter of Edward the Confessor to Cholmer (Chelmer) and Dancing (Dengie) in Essex. It runs thus:

Iche Edward Konyng
Have yeoven of my forest the keeping
Of the hundred of Chelmer and Dancing
To Randolph Peperking, and to his kindling ;
With harte and hinde, doe and bokke,
Hare and foxe, catte and brocke,
Wild foule with his flocke,
Partrich, fesaunte hen, and fesaunte cock ;
With green and wilde, stobb and stokk,
To kepen and to yeomen by all her might,
Both by day and eke by night,
And hounds for to holde,
Good swift and bolde :
Four grehoundes, and six raches,
For hare and fox, and wilde cattes ;
And therefore ich made him my booke,

Manorial Customs of Essex.

Wittenes the bishop Wolston,
And booke ylered many on,
And Sweyne of Essex our brother,
And taken him many other,
And our steward Howelin,
That besought me for him.¹

This grant has been by some considered a forgery, and a very good one too; but Camden seems to have been of a different opinion:

In the 3rd year of Edw. I.,² Sir William le Baud, Knight, made a grant to the dean and canons of St. Paul's, London, of a doe yearly, on the feast of the conversion of St. Paul, and of a fat buck upon the commemoration of the same saint, to be offered at the high altar in St. Paul's by said Sir William and his household family, and then to be distributed among the canons resident; which doe and buck were given in lieu of twenty-two acres of land, in the lordship of West Lee, belonging to said canons, and by them granted to him and his heirs, to be enclosed within his park of Coringham. But, about the certain time and formality in offering the said buck and doe, there growing afterwards some dispute, Sir Walter le Baud, Knight, son and heir of said Sir William, by deed dated on the ides (13th) of July, 1302,³ for the health of his soul, and of his progenitors and heirs, confirmed his said father's grant, and obliged himself and his heirs, his lands and tenements, that every year for ever (1), on the day of the conversion of St. Paul, there should be a good fat doe brought by one of his fitting servants at the hour of procession, and through the midst thereof, and offered at the high altar, without exacting anything for the said service of the dean and canons. And on the day of the commemoration of St. Paul, in summer,⁴ a fat buck, by some such servant, attended with as many of the family as had heretofore been usual, and so carried through the midst of the procession, and offered at the high altar: the said dean and canons, after the offering thus performed, giving, by the hands of their chamberlain, one shilling to the persons bringing the buck for their entertainment. And to this grant the witnesses were Sir Nicholas de Wokynndon, Sir Richard la Rokele, Sir Thomas de Man-

¹ Inter record. de term. sci. Hilarii, 17 Edw. II., penes Thea. et Camerar. Scaccarii; Camden, Brit. tit. Essex; Weever's Fun. Mon. p. 363; and cf. Blount.

² 1275.

³ 30 Edw. I.

⁴ 29th June.

devyle, Sir John de Rocheford, Knights, besides divers others. The reception of the doe and buck was solemnly performed till the time of Elizabeth at the steps of the choir, by the canons of St. Paul's, attired in their sacred vestments, and wearing garlands of flowers on their heads; and the horns of the buck carried on the top of a spear in procession, round about, within the body of the church, with a great noise of horn-blowers, as affirmed by Camden on his own view of both.

Among the privileges and rights which anciently existed in this county were the following. Thorp Kirby and Walton were included within the ancient liberty of the soke. Here no man could be arrested by any kind of process, but of the bailiff of the liberty; and even then only with the consent of the lord first obtained. The sheriff had no power within this liberty in any case, but the bailiff executed all matters as if he had "*viscountlie authority.*" Again, King Richard gave to Henry de Grey, of Codnar, the manor of Turroc (Thurrock), which grant King John confirmed, and by his charter vouchsafed him the privilege to hunt the hare and fox in any lands belonging to the crown (except the king's own demesne parks), a special favour in those times. The manor of Belhouse in Chafford hundred possessed the peculiar privilege of excluding any person, however high in rank, from entering it in pursuit of game. There was a privilege in Writtle called *Frampole Fence*. Frampole fences "were such fences as every tenant of this manor had against the lord's demesnes; whereby he had the wood growing in the fence, and as many trees or poles as he could reach from the top of the ditch with the helve of his ax, towards the repair of his fence." "I have heard," says Cowel,¹ "the late Chief-Justice Brampton, whilst he was a practiser and steward of this court, acknowledge he could not find out the reason why these fences were called *Frampole*. It may come from the Saxon *fremful*, profitable, or may be a corruption of *franc-pole*, because the *poles* are *free* for the tenant to take." According to another writer, Frampoles are "*poles* to be reached *fram* or *from* the hedge." The word might also be derived from the Danish *frem*, forward. Manningtree anciently enjoyed the privilege of fairs, by the tenure of exhibiting a certain number of stage plays yearly.

Among the Fines in this county are the following:—Every

¹ Law Dictionary, by Dr. Cowel; fo., Lond., 1727.

reputed father of a base child, gotten within the manor of Writtel (Writtle), paid to the lord a fine of 3s. 4d., called *Childwit*. This is variously explained. According to some, it is a power to take a fine of your bond-woman begotten with child without your consent: "Prior habeat Gersumam¹ de nativa sua impregnata sine licentia maritandi." Jacob² explains it to be "a fine or penalty of a bond-woman unlawfully begotten with child." According to others, however, the custom extended as well to free as to bond-women. "Quicunq. illam culpam fecerit, vocat. *Childwit*, Archiepiscopus aut totam aut dimidiam emendationis partem habebit quietum esse de *Childwit*." The word *Childwit*, found written *Childwith* and *Kylhwite*, is probably derived from Anglo-Saxon *cild*, child, *wite*, punishment, fine, forfeiture, mulct. In Wivenhoe the feudal law called *Marcheat* or *Marchet* was anciently in force. It was a fine paid to the lord for permission to marry. Richard Burre held a messuage in this manor on condition that, if he should wish to marry his daughter to a freeman out of the township, he should pay to the lord the *Maritagium*, or fee for permission so to do; but if he married her to any one who belonged to the township he was to be free from *Maritagium* or *Marchet*. This disgraceful custom, says Wright,³ is said to have originated among the Scots, and was at first still more oppressive. It is said to have been instituted by King Evenus, who is placed in Scottish annals as contemporary with the age of Augustus, and it was by Malcolm III., A.D. 1080, commuted to the paying of a fee fixed at a mark of silver, whence the term *Marcheta* is thought to have originated. In Scotland, not only were the vassals subject to this iniquitous law, but it extended even to the thane and the *comes* (count). In the old Scottish laws we find specified the exact sum of the *Marcheta* paid by each rank: that for the daughter of a *comes* was 12 cows or their value; for a thane, 2 cows, or 12s.; for a freeman, 1 cow, or 6s. From Scotland the custom passed into several parts of England, but does not appear to have prevailed

¹ Spelman (Gloss.) renders *Gersuma* (a word which often occurs in Domesday, and in ancient charters, for a fine) "pecunia data in pactionem;" and he says, "Sic enim in chartis loqui solet concessor seu venditor. Sciat is me pro tot solidis, vel tot libris, quas N. mihi dedit in *Gersumam*: dedisse, conceisse, &c. Eodem sensu pro delicti compensatione dicitur. Term. Juris in verbo *Childwit*. *Gersumam* capere de nativa vestra impregnata sine licentia vestra, quod dicitur *Childwith*."

² Law Dictionary.

³ Hist. Essex.

generally.¹ Mr. Astle² was of opinion that the *Marcheta* was in most cases a fine paid by a sokeman or a villain to his lord for a licence to marry his daughter; and if the vassal gave her away without obtaining such licence, he was liable to pay a fine. He says, "The probable reason of the custom appears to have been that persons of low rank residing on an estate were generally bound to perform certain services to the lord, and to reside on the estate; hence, when a woman of this class married a stranger, and removed to his habitation, the lord was deprived of part of his live stock, and he therefore required a fine to indemnify him for the loss of his property; and in time a composition for this fine was thrown into the aggregate sum of quit-rents, as appears by an ancient survey of the manor of Great Tey."

The tenants of the manor of Writtel (Writtle) paid a duty or rent called *Avage* or *Avisage* for the liberty of pawning or feeding of hogs in the lord's woods upon St. Leonard's Day (6th Nov.). For every pig under a year old a half-penny was paid; for every yearling pig, one penny; and for every hog above a year old, twopence. The word *pawnage* is derived from the old French *panage*, *panaige*, *pagnage*, Med. Lat. *panagium*, *pasnagium*; literally, the right of *pasture*, what is paid for the pasture of beasts, from Lat. *panis*.³ I may here mention a manorial right prevailing in the counties of Norfolk and Suffolk, where the lord of the manor had *Shack*, i. e. the liberty of feeding his sheep at pleasure on his tenant's lands during the six winter months. In the former county, *shack* extended to the common for hogs in all men's grounds from harvest to seed-time, whence to go *a-shack* is to feed at large; and in New England *shack* is still used in a somewhat similar sense for the food of swine, and for feeding at large or in the forest.⁴

A payment of one penny, called *Ward-peny*, was made by every inhabitant of Maldon having pipes or gutters laid out of his house into the street; at Writtle every tenant having his fore-door opening to Greenbury paid a halfpenny to the lord of the manor, by the name of *Green Silver* (*argentum viride*); and at Wylegh each

¹ See Spelman, Gloss.

² Archæologia, vol. xii. 35.

³ Cf. Roquefort, Gloss. de la Lang. Rom., under *panage*, *panage*.

⁴ *Shackle* is stubble. In Scottish, *shag* is the refuse of barley, or that which is not well filled, and is given to horses. The word *shack*, then, says Webster, is probably from a root which signifies to break, to reject, or to waste, or it may be allied to *shag* and *shaks*.

of the servile tenants paid to the Abbot of Colchester a duty called *Snottering Silver*, viz., for each tenement 1 den. ob., i. e. 1½d. In a survey of St. Paul's, Chingford, made about 1245, two payments are mentioned, called *Wodeselver* and *Averselver*. The meaning of the term *Snottering Silver* is not explained. The word *snottering* may be derived from the obsolete *snode* (A. S. *snid*), a morsel, or *snathe* (A. S. *snittan*), to lop, to prune. *Averselver* is probably the same as *Averakre*, *Avacre*, or *Auacre* silver, mentioned in some tenures, and thought to mean a payment in lieu of ploughing an acre of land for sowing oats (*aver*), although, according to others, *Aver-penny* is "quasi average-penny," and is rendered, money contributed towards the King's averages to be freed, thereof.¹ *Wodeselver* (wood-silver) may be the same as *Wood-geld* (*woodgeldum*), i. e. money paid to the foresters for cutting or gathering wood without the forest. Crompton² says the immunity from this by the King's grant is called *Woodgeld*; and, according to Coke,³ it signifies to be free from payment of money for taking wood in any forest. At Maldon there was a customary payment of 4d. for every bushel and a half of corn sold there. This payment was called *Totteray*, properly *Tolteray* or *Toll-tray*. In the manor of Walley or Wileigh Hall, in Witham hundred, there was a composition in money called *Hering* (*sic*) *Silver*, as an equivalent for the customary payment of so many herrings for the provision of a religious house. Again, at Writtle, where the customs are numerous, was one called *Lepps* and *Lasse*, which required that every cart that came over a part of the manor called Greenbury (except the cart of a nobleman) should pay 4d. to the lord. Blount writes it *Lap* and *Lace*, and *Lep* and *Lasse*; Bailey, *Lep* and *Lace*; Cowel, *Lep* and *Lace*, and *Lepps* and *Lasse*, and says, "Greenbury is conceived to have been anciently a market-place, and therefore had this privilege granted."⁴ The meaning of these two words is doubtful. The O. Eng. word *lepe* (A. S. *leap*, O. N. *laupr*) is a basket, and the Law Lat. word *lepa* is a measure which contained the third part of two bushels; and *Lasse* may be from *last*, a load, burden.

Some very curious tenures, customs, usages, &c., were in

¹ Rastall says, "Aver-peny est quietum esse de diversis denariis pro Averagiis Dom. Reg." From the King's carriages "cum averiis." 1 Inst. fol. 35. Haberet et Averpeni, sc. pro singulis triginta acris duos denarios. Mong. Angl. 302. A.

² Fol. 175.

³ On Littleton, fol. 233.

⁴ Conf. Ducange.

existence at Great Tey; but as these have been before enumerated by Mr. Astle, and will be found in vol. xii. of the *Archæologia*, it would be superfluous here to enter into them. Mr. George R. Corner, F.S.A.,¹ says that the custom of Borough English, by which copyholds descend to the youngest son, holds in eight manors in the county of Essex. It however prevails in fourteen manors altogether; viz., at Alresford, Boxted Hall, South Bersted, Chesterford, Chishall, Dedham Hall, Old Hall and New Hall in Beaumont, Maldon (manor and town), Wivenhoe, Woodford (St. Mary), Wikes or Park Hall in Wix, Wrabness, and Toney and High Hall in Walthamstow.² In Woodford the custom—which is strictly confined to the youngest son or his lineal representative—extends, by special custom, to the youngest brother. Finchingfield was held by John Compes of Edw. III. by the service of turning the spit at his coronation. In the reign of Hen. II. the manor of Ashwell was held by the Ashwell family, and afterwards jointly by the families of Ashwell and Semenour or Somner in petit serjeanty, by the service of finding a broche or a spit of maple to roast the king's meat on the day of his coronation. Morant says the serjeanty at first was of being "hostilarius domini Regis;" and he derives *hostilarius* from Fr. *hostelier*, entertainer of guests or strangers. He says it is used by Henry de Knyghton, col. 2371, and seems to think it was something like almoner. In the Inquisition, 22 Edw. I., it is thus expressed: "quod quidem servitium solebit fieri per serjantiam hostilarii." It was afterwards converted into a yearly payment of 6s. 8d. into the King's Exchequer. William Torrell held little Torrell, and Mangarus le Napper held land in Waltham, by the serjeanty of the napery. From a like service which prevailed in Norfolk it would seem to have consisted in taking charge of the table-cloths and other linen at the King's coronation. It appears by the Records that Lord Leonard Grey of Ruthyn, by reason of his manor of Asheley in Norfolk, covered the tables, and had for his fee all the table-cloths, as well those in the hall as elsewhere, when they were taken up; notwithstanding a petition of Sir John Drayton, who claimed the

¹ On the Custom of Borough English, as existing in the County of Sussex. By George R. Corner, Esq., F.S.A. Lond., 1853. (Reprinted from the Sussex Archæological Collections, vol. vi.)

² Conf. Morant, Hist. Essex; Wright, ditto; also the East Anglian for Oct., 1860. (*Lowestoft*.)

office. At the coronation of Jas. II., the then lord of the manor claimed to perform the said office, and have the fees, &c.; but not being prepared with the proper evidence, his claim was disallowed, though with a *salvo jure*.¹ Peter Picot held one moiety of Heyden (Heydon) by the serjeanty of serving with a towel at the coronation of the King, and Peter his son the other moiety by the serjeanty of serving with the basins: "Petrus Picot tenet dimid. Heydene per serjantiam cum una toalia ad Coronationem Regis. Petrus filius Petri Picot tenet aliam medietatem per serjantiam serviendi de bacinis." At the coronation of Rich. II., John Wiltshire, citizen of London, exhibited unto the court of the Lord High Steward of England a petition to the following effect:—"To the most honourable lord the King of Castile and Leon, Duke of Lancaster, and Steward of England. Your petitioner, John Wiltshire, shews, that whereas the said John holds certain tenements in Heydon, held of our lord the King by the service of holding a towel when our lord the King shall wash his hands before dinner on the day of the Coronation, and that the moiety of the said manor lately was in the seizin of J. Picot, who held the same of the Lord Edward, late King of England, great-grandfather to our lord the King that now is, by the same services, as appears by the Record of the Exchequer of our said lord the King, and prays that he may be accepted to do the said office of serjeanty, in the form aforesaid."

"And it appearing by the Record of the Exchequer of our lord the King, in court shewn, that the aforesaid tenements are held of our lord the King by the services aforesaid, therefore he is admitted to do his service by Edmund, Earl of Cambridge (the King's uncle), his deputy; and so the same earl, in right of the said John, held the towel when the lord the King washed his hands, the said day of his Coronation, before dinner."² At the Coronation of Jas. II., the lord of Heydon claimed to hold the basin and ewer to the King by virtue of one moiety, and the towel by virtue of another moiety, of the said manor, when the king washes before dinner, which claim was allowed as to the towel only.³ Hugh de Nevill held Wethersfeld of the King *in capite*, by the service of setting the first dish at the king's right hand on his coro-

¹ Sandf. Hist. Coron. 132; Beckwith's Blount, 64.

² The Record of this petition and of the answer thereto is in Norman French.

³ Sandf. Hist. Coron.

nation-day, and he was to have the dish and towel. Ralph le Moigne, "the monk," in the reign of Henry III. held Eystan (Easton) by the serjeanty of the *Lardinary*.¹ Blount renders the service, caterer or purveyor of the lord the King in his kitchen. "Ut sit emptor domini Regis in coquina sua."² It appears also that Henry, son and heir of William le Moigne, fined in £18 for relief of his land at Eystan, was subject as aforesaid. At the coronation of Jas. II., the lord of the manor of Eston at the Mount claimed the offices of larderer and caterer, but his claim was disallowed with a *salvo jure*; and the King appointed the lord of the manor of Sculton to exercise the same *pro hac vice*. The town and hundred of Bures were held by William de Bigod and wife of the King *in capite*, by the serjeanty of the *Chandeltry* (*chandlery*); and the town was worth a hundred shillings, and for the hundred was paid into the Exchequer £18. The *eschanderia*, *chandlery*, or *chandry*, was the office where candles were kept and delivered out for domestic use. Overhall in Liston parish was held by William Leston by the service of paying for, bringing in, and placing five wafers before the King as he sat at dinner upon the day of his coronation: and other tenants held this manor by a like service. What these wafers were is not recorded. They were probably the same as the *gaufres* (still made in Holland, Belgium, and France), a sort of light cake made between thin plates of iron, heated over a carbon fire. At the coronation of Hen. IV., William le Venoure, by reason that he was tenant of the manor of Lyston, claimed and obtained to exercise the office of making wafers for the King on the day of his coronation. At the coronation of Jas. II., the lord of the manor of Lyston claimed to make wafers for the King and Queen, and serve them up to their table; to have all the instruments of silver and other metal used about the same, with the linen, and certain proportions of ingredients, and other necessaries, and liveries for himself and two men: which claim was allowed, and the service, with his consent, performed by the King's officers, and the fees compounded for at £30.

¹ Ex Lib. Rub. Scacc.; Append. to Brady's *Introduct.* p. 23. See Beckwith's Blount. Kelham (Norm. Dict.) renders *lardynere*, the officer in the King's household who presided over the larder.

² It appears from Wright that in the time of Rich. I. William de Clinton held Great Easton by the like service. He calls it the King's larderer, and Blount says Gilbert de Mapertshale held two hides of land at Writtel (Writtle) by serjeanty of being lardiner.

As late as the coronation of Geo. III. and Charlotte, in 1815, Campbell, of Liston Hall, Esq., lord of the same manor, claimed to do the same service; and the King was pleased to appoint his son, William Henry Campbell, Esq., to officiate as his deputy, who accordingly attended, and presented the wafers to their majesties. By an inquiry made in the reign of Henry III., it further appears that Geoffrey de Lyston held land in Witham by service of carrying flour to make wafers on the King's birthday whenever his majesty was in the kingdom. The King granted Richard, son of William de Havering, for his homage and service, six score acres of land in Havering, by the service of finding litter in the chamber of Havering on every coming of the King there; and a similar service prevailed at Redene, *alias* Reden Court, in 1445. The word *litteria* is derived from the Norm. *litere*, *littour*, Fr. *litière*, from *lit*, a bed; and *litterium* was anciently used for "bedding." It is certain that straw was used in the King's bed as late as Hen. VIII.¹

Boydin Aylet held four pound-lands in Bradwell by the hand of William de Dona by the serjeanty of the club or mace (*per serjantiam clavice*).² William Cains held six pound-lands there by the same tenure.³ The mace was originally an instrument of war, made of iron, and much used by cavalry. When it became no longer a weapon of war its form was changed, and it was made of silver or copper gilt, and ornamented with a crown, globe, and cross; and the term was used to denote an ensign of authority borne before magistrates. Indeed, old English writers often use the word for sceptre. A tenement in Hashwell was held by one Simon de Hashwell, by the serjeanty of being a spearman to the King; and lands in Morton were held by Edmund Busche of the King *in capite*, by the service of finding one iron goad or prick for a *warrocks* upon a certain cloth sack whensoever our lord the King should ride in the army towards Wales in time of war. According to some writers, *warrocks* is quasi *war-ag*, which they render "war-horse;" others think it may be a misreading for *carrock*, a cart-horse, from Lat. *carrectarius*. Halliwell translates the provincial word *warroken*, to girt (A. S.); but it is not found in Dr. Bosworth's Dictionary. Eustace de Ho held one carcate of land, with the appurtenances, at

¹ Cf. Beckwith, 180; also Archæol. iv. 312.

² Ex Lib. Rub. Scacc. 137; Append. to Brady's Introd. p. 22. See Beckwith's Blount.

³ Ibid.

Rewenhall (Rivenhall), by the serjeanty of finding at his own proper charges for 40 days one horseman with a *gambeson* in the army of our lord the King, when he should go into Wales. According to Blount, a *gambesone* was a horseman's long coat that covered part of the legs, from Fr. *gambe*, *jambe*, a leg. Ducange renders *gambeso*, a doublet. Blount's annotator says, "*Gambeso*, *wambais*, from the Sax. *wamb* (whence the Eng. *womb*), a thick woollen waistcoat, worn under the steel armour to make it sit easy on the body; and in this place it may mean such a quilted coat."¹ The manor of Morton was held by Henry de Averying *in capite* of the King, by the serjeanty of finding one man with a horse of the price of 10s., 4 horse-shoes, 1 leather sack, and 1 iron broch, as often as the King should go into Wales with his army, at his own charges, for 40 days. In the year 1302 Robert de Trumpeton enfeoffed Lawrence de Stodham and Anne his wife in 1 messuage, 90 acres of arable land, 7 of meadow, 12 of pasture, and 10 acres of wood, holden of the King *in capite*, of the Honor of Bologne, doing suit at the court of Bologne, at Wyham, from month to month. The tenant was obliged to find one man and one sack, to be fastened with — [*skinillo* or *spineo*], in the King's war in Wales, whenever it should happen, for 40 days, at his own charge.² Spelman derives *brochia* from French *broc*, a great flagon, tankard, or pot, and he says the *saccus* (sack) was to carry the dry (provisions) and the *brochia* (broch) the liquids; but the better opinion seems to be that *brochia* meant a pin, skewer, or sort of buckle resembling the Roman *fibula*, to fasten the mouth of the bag or sack, and without which the sack could not be fastened or fixed on any carriage; from old Fr. *broc*, *broche*, *broque*, *broquette*, *broquet*, petite bûche, rondin, bâton, fourche, broche, agaffe, clou. One of Blount's annotators seems to think *skinillo* or *spineo* admits of the same interpretation as that given to *brochia*. Another annotator adds, "neither of these are the broch, though the latter probably meant a wooden skewer or pin, resembling a spine or thorn; a piece of hide or skin was used as a string or strap. May *skinillo* not mean such? A piece of twine is called *skingie* in Scotland."

¹ Cf. Grose, *Antiq.* vol. i. p. 101; and Roquefort, under *gambaison* and *wambais*. Coleridge, *Gloss. Index*, Lond., 1859, says—" *Gambison*, a stuffed doublet. Alys. 5151. Fr. *gambais*; Goth. *wamba*. See Burguy, s. v. *gambais*."

² *Inquis.* 30 Edw. I.; *Morant*, vol. ii. p. 207; and Beckwith's *Blount*, p. 160.

In the reign of Hen. III., Felicia, wife of William Martell, held lands at Rywehall (Rivenhall) by service of finding one esquire, with a purple lance and an iron cap, for forty days. Again, William de la Donne held of the King *in capite* land in Bradwell, by service of the third part of one knight's fee, and of rendering to the King, for the defence of the kingdom of England, one lance, of the value of 2*s.*, for all services. Ralph Picot held one carucate of land in Saling by the serjeanty of keeping one sparhawk at the King's cost; and the King was to find him maintenance for three horses, three grooms, and three greyhounds, and said Ralph was to mew said sparhawk at his own costs. Ardleigh was subject to a similar tenure. A carucate of land was as much land as one team could plough in the year, from Lat. *caruca*, a cart. A sparhawk (now called a sparrow-hawk) was a sort of short-winged hawk. A mew was a coop for hawks, a kind of cage where hawks were wintered or kept when they *mewed* or changed their feathers; hence the royal stables called mews at Whitehall, the King's Mews, &c., had their name; they having been built on the site of places which were anciently full of mews, where the King's hawks were kept or *mewed*. The verb is derived from Fr. *muer*, literally to change, from Lat. *mutare*.

White Roding was held by the serjeanty of *Falconry* by grant from Rich. I., *i. e.* by the service of keeping two lanar falcons or hawks for heron-hawking, and a greyhound trained to make a heron rise, from Michaelmas to the Purification, for the King's use. The word *lanar* is mentioned in several ancient statutes.¹ John Engayne possessed Upminster by the serjeanty of keeping hare-hounds (*leporarios*) for the King; and a tenement in Wodeham-Mortimer was held by one Hardekyn by the serjeanty of nursing one brachet of our lord the King when he should send it to him to nurse, and keeping it till it should be fit to run. The word *brachet* is derived from Med. Lat. *brachetta*, a little brach or bitch hound; from Celt. *racha*, a dog (A. S. *ræcs*).

Adam de Glanville held twenty acres of land in Felstede (Felsted) by the service of keeping two palfreys at the livery of the King; and similar services prevailed at Baddow and

¹ Webster gives—"lanner, *lanneret*, a European species of hawk.—*Lanner* is the female; *lanneret*, the male." The Fr. *lanneret* is rendered a shrike, sort of hawk; *lanier*, a female lannar, star-hawk; *lanière*, a thong, narrow strap of leather, lash, hawk's lure. The Lat. *lanarius* means of or belonging to wool.

Springsend; and Walter de Glanville held forty acres of land in Falsted (Felsted) by the serjeanty of carrying one seam of oats at his own costs to the horses of the King, whilst he resided in this county, between the bridge of Stratford without London and the bridge of Colchester. Two carucates of land in Boyton, in the parish of Finchingfeld (Finchingfield), were anciently held by William de Reynes by the serjeanty of keeping for the King five wolf-dogs; and it appears that the Dean and Chapter of London then held the land. In the year 1285 it was found that Nicholas Attenasse held a virgate (*i. e.* a yard) of land in Dunmow by the tenure of providing a pound for the King's bailiffs of the hundred to impound cattle, by the sheriff's precept and summons of the Exchequer; and the bailiffs used to receive sixpence. In some manors we find the tenure of *Socage*; in others, the respective serjeanties of *Forestership*; of keeping the King's park; of being Marshal; and of being Great Chamberlain. In the time of Edw. I., Robert de Vere, Earl of Oxford, held Fingreth by the serjeanty of being chamberlain of the King on the day of his coronation; and the same Robert and Matilda his wife held the manor of Ging-Reginæ¹ by the serjeanty of keeping the chamber of our lady the Queen on the day of the coronation aforesaid.

By an inquisition taken 6 Edw. II. it was found that the Earls of Oxford, by the heir of Sandford, anciently held the manors of Fingrey and Wulfemelston, in the county of Cambridge (properly Essex), by the serjeanty of *Chamberlainship* to the Queens of England at the King's coronation.² At the coronation of Jas. II. the lord of Fyngreth claimed to be chamberlain to the Queen for the day, and to have the Queen's bed and furniture, the basins, &c., belonging to the office; and to have a clerk in the Exchequer, to demand and receive the Queen's gold, &c.,—which claim was disallowed, because not made out; but the claimant was left to prosecute it at law if he thought fit.³ As the court of claims never sat after the arrival and marriage of Queen Charlotte in England till after the coronation, it is presumed that no person could claim to do this service at her coronation.⁴

Baldwin Filioll, in the reign of Hen. III., held lands in Badley or Bedley Hall, in the parish of Ardleigh, by the serjeanty of keeping one *miss*. Richard *Filioll* held the same

¹ "The Queen's *ing*, or meadow."

² Sandford, Hist. Coron.

³ Blount, 23.

⁴ Cf. Beckwith.

in 1259 of Robert Fitzwalter.¹ A *mise* is a law term, signifying a tax or tollage, also an honorary gift, although it is sometimes used for *mease*, *mees*, or *messuage*. A *mise* place, in some manors, was as a surety for a heriot to the lord on the tenant's death.² Roquefort renders the O. Fr. word *mise*, "arbitrage, sentence d'arbitres, commission à quelqu'un pour juger, jugement d'une chambre de justice; dépense, pouvoir, autorité, puissance; from L. *missio*."

The manor of Walbery (Walbury) was held by Adomar de Valence, Earl of Pembroke,³ by service of one silver needle. Roger, sometime taylor to our lord the King, held one carucate of land in Hallingbury by the serjeanty of paying at the King's Exchequer one silver needle yearly, on the morrow of St. Michael. Bures was held by the serjeanty of scalding the King's hogs, and Liston by that of making baskets for the King. William Drury held the manor of Little Holland of the Queen,⁴ as of her manor of Wickes, *alias* Parke-Hall, late parcel of the Duchy of Lancaster, by the service of one knight's fee, and the rent of one pair of gloves turned up with hare's skin. Bridebroke (Birdbrook) was held by the serjeanty of making the distresses and attachments of the fee which were of the Earl Marshal. Daweshall in Lambourn was held by Reginald Bysmere of the Duke of Buckingham, as of his castle of Ongar, by fealty and the rent of two shillings per annum, called *Ward Silver*, and by doing *White Service* of the Lord Duke at the Wardstaff in Ongar hundred.

The inhabitants of Maldon anciently held their town by the serjeanty of finding the King a ship, with its furniture or tackle, as often as he should go with his army out of the kingdom of England, for 40 days, at their own proper costs; and this they were to do on the King's summons. Gilbert de Ecclesia was obliged, by the tenure of his lands, to find a man to gather nuts for the lord of the manor of St. Paul's, Chingford. In an Ancient Survey of the manor of Barking (without date and imperfect) in the Harleian Collection of the British Museum, in which the services due from the inferior tenants to the Abbess and Convent are stated at large, one of the tenants, among other services, had to gather a full measure of nuts, called a *pybot*,⁵ four of which should

¹ Conf. Wright.

² Ibid.

³ Died 23 Jan. 1323.

⁴ (Elizabeth.) Drury died in 1589.

⁵ Perhaps a diminutive of *pipe*. The French *pipot* is rendered, a kind of bottle or barrel for honey.

make a bushel; to go a long journey on foot once a year to Colchester, Chelmsford, Ely, or the like distances, on the business of the convent, carrying a pack; and other shorter journeys, as to Brentford, &c., maintaining himself upon the road. He was to pay a fine for the marriage of his daughter if she married beyond the limits of the manor, otherwise to make his peace with the Abbess as well as he could. If his daughter should have a bastard child, he was to make the best terms he could with the Abbess for the fine called *Kyldwyte*. He could not sell his ox, fed by himself, without the Abbess's permission. Some of the tenants were obliged to watch and guard thieves in the Abbess's prison.¹ A very pleasing tenure existed at Rowenhalle (Rivenhall), where the tenant of some of the lands had to eat in lieu of all services ("manducabit pro omni servitio"); but what he had to eat, and under what circumstances, is not chronicled, though the peculiarity of the tenure may have depended upon these points. The lands in question belonged to the Knights Templars, who also possessed other lands here by gift from one John Scales.

The manor of Clay-hall was held of the Abbess and Convent of Barking by a quit-rent of 15s. 3d., and the following services, viz.: that the tenant should come in person to the Abbey Church of Barking on the vigil of St. Ethelburg the Virgin, and there attend and guard the high altar from the first hour of vespers till nine o'clock the next morning; that he should be ready at all times with a horse and man to attend the Abbess and her steward when going upon the business of the Convent anywhere within the four seas; and the Abbess was to have by way of heriot, upon the death of every tenant, his best horse and accoutrements.

Lambourn manor was held by service of the *Ward-staff* (i. e. the constable's or watchman's staff), viz., by the service of carrying a load of straw in a cart with six horses, two ropes, two men in harness, and watching the said ward-staff when brought to the town of Aibridge.²

The following account of this service is from a MS. containing an account of the rents and services of Ongar hundred in the time of John Stonor [of Loughton], who had a grant of the hundred for his life in 34 Hen. VIII., "which services and rents are stated to have been such as were ex-

¹ Lysons' *Environs of London*, vol. iv. p. 74.

² Camden in *Essex*.

cuted, done, paid, used, observed, and kept, not only in the time of Edw. III. and Robert Bruce, sometime King of Scots, but also in the time of his noble progenitors, Kings of England long before, when the Saxons inhabited this realme, as manifestly may appeare more at large by antient records thereof made by Humfrey de Bohun, then Earl of Hereford and Essex, and Constable of England, Lord of the said hundred, dated at Pleashy (Pleshy) the 10th day of July, in the 11th year of the reigne of the same King Edward; as also by divers other antient and sundrie notable records, the same remaining written in the Saxon tongue, *Aungr Hundr, the order of the gathering and yearly making of the Wardstaff of the King there, with the due course and circumstance of the yearly Watch, and Service Royall incident to the same.* That is to say, First the Bailiffe of the said Libtie. or Hundr. shall gather and yearly make the Wardstaffe of some Willow Bough growing in Abbasse Rothing Wood the Sunday next before Hock-Monday,¹ which shall containe in length iii. qrters of a yard, and viii. inches round in compasse, or thereabout. And hee shall convey the same ymediately unto the Mannor Place of *Ruckwood-Hall* in *Abbasse Rothing* afores'd, where the Lord of the said Maner for the tyme being shall reverently the same receive into his house, and shall rowle itt upp in a faire fyne lynnyn cloth, or towell, and so lay it upon some Pillowe or Cushion on a table or cubberd standing in the chiefe or highest place in the Hall of the sd Maner Place, there to remaine untill the said Bailiffe shall have relieved and refreshed himself. And when the said Bailiffe shall see convenient tyme to dep'te, he shall convey the same Staffe by sunne shineing unto *Wardhatch-Lane* besides *Long-Barnes* in Roothing aforesaid, when and where the said Lord of *Ruckwood-Hall* and all and everie other tennant and tennants, landowners, which by reason of their Tenure doe hould their lands likewise by service Royall, to watch and warde the said Staffe there upon convenient summons and warning to be given unto them yearly by the said Lord of *Ruckwood-Hall* for the time being, with their full ordinarie number of able men well harnessed with sufficient weapon shall attend. Where uppon the Lord of *Ruckwood-Hall* shall then and there yearly, at his p'per costs and charges, have readie prepared a great Rope, called a Barr, with a Bell hanging on the end of the

¹ A fortnight after Easter.

same, which he shall cause to be extended overthwart the said Lane, as the custom hath beene, to stay and arrest such people as would pass by. Att the end of which said Barr, not farr from the said Bell, shall be laid downe reverently the said Staffe upon a Pillowe, or Cushion, on the ground; which done, forthwith the said Bailiffe shall severally call the names of all the aforesaid tenants, land-owners, who shall present their said ordinarie number of men accordingly. Then shall the said Bailiffe in the King our soveraigne Lord's name straightlie charge and comand them and everie of them to watch and keep the Ward in due silence, soe that the King be harmless and the Countrie scapeless, until the sunne arrising, when good houre shall be for the said Lord of *Ruckwood-Hall* to reparaire unto the said Staffe, who, in the presence of the whole Watch, shall take the same Staffe into his hand, and shall make uppon the upper rind of the same with a knife a score or notch, as a marke or token, declaring their loyall service done for that year in this behalf. And soe shall deliver the said Staffe unto the Bailiffe, sending it unto the Lord, or Land-owner, of the Mannor of *Fiffeild*, or unto the Tennant resiant, saying this notable narracon of the Wardstaffe hereafter written in the Saxon tongue; which done, they may hale up the said Barr, and depart at their pleasure.

"The tale of the Wardstaffe."

Iche ayed the staffe by lene¹
 Yane² stoffe iche toke by lena,
 By lena iche will tellen
 How the staffe have I got,
 Yotlie staffe to me com
 As he houton³ for to don,⁴
 Faire and well iche him underfangt⁵
 As iche houton for to don,
 All iche yer on challenged
 That theareon was for to challenge,
 Namelicke⁶ this and this
 And all that thear was for to challenge
 Fayer iche him upp dede
 As iche houton for to don,

¹ Morant says *lean* signifies tribute; but query.

² A local word for "one." (*Bailey*.)

³ Ought?

⁴ To do (*Chancer*), from A. S. *don*.

⁵ Coleridge (*Gloss. Index*) renders *underfang*, to take up, understand, elect, receive, acknowledge (from A. S. *underfan*, to undertake, &c.).

⁶ Namely (in *Chancer*, *namelicke*).

All iche warnyd to the ward to cum
 That thereto houton for to cum.
 By sunne shiining
 We our roope yeder brouton,
 A roope celtan¹ as we houton for to don
 And there waren and wakedon,
 And the Ward soe kept
 That the King was harmeles,
 And the country scapeless;
 And a morn when itt day was,
 And the sun arisen was,
 Faier honour waren to us toke
 Als us houton for to don,
 Fayre on the staffe wee scorden
 As we houton for to don,
 Fayre we him senden
 Hether we howen for to sende,
 And zif² thear is any man
 That this witt³ siggen can
 Iche am here ready for to don,
 Ayens⁴ himself iche one
 Yother mind him on
 Yender midlyyn feren
 Als we yer waren.
 Sir by leave take this staffe,
 This is the Tale of the Wardstaffe.

“The *Munday* following, called *Hock-Munday*, the said Staffe shall be presented yearly unto the Lord and Owner of the mannor of *Fiffeild* for the time being, or his resiant, who shall ymediately unfold the clothes it is wrapped in, that it may appear by the Score made thereon how the aforesaid Lord of *Ruckwood-Hall* and other Tennants which, by reason of their Tenures of their lands, owe suite and service to watch the said Staffe at *Abbas-Rothing* aforesaid have done their Watch and service Royall accordingly the night before. Then shall he cloth it again, lay it in order, and use it in every degree as the Lord of *Ruckwood-Hall* hath done, &c. This is called *Abbas-Rothing Watch*.

“N.B.—The Watch is kept at the Cross with a hand, at the three Wants,⁵ in *Fiffeild*.

“*Tuesday* following it is carried to the Lord of the Mannor of *Nash-Hall* in *High-Ongar*, who, &c., as before.

¹ Seldom? (*Celdom*, seldom. Pr.-Parv.)

² If.

³ *Witam* is to blame; *witt siggen*, to gainsay. (*Morant*.)

⁴ Chaucer uses *ayen*, *ayenist*, *ayenste*, for “against,” “instead of.”

⁵ Three cross roads, from *wend*, to turn, A. S. *windan*, Dan. *wende*.

“ This is called Stondon Watch.

“ N.B.—The Watch is kept at *Horrelsford*, alias *Hallsford*.

“ *Navestock* Watch.

“ *Wednesday* following the same is yearly presented to the Lord of the Mannor of *Loft-Hall* in *Navestock*, &c.—The Watch is kept in *Three Wants Lane*.

“ *Stapleford Abbots* Watch.

“ The *Thursday* following the said Staffe shall be yearly presented to the Lord of *Battels-Hall*, &c.—Watch kept at *Pissingford-bridge*.

“ *Lamborne*.

“ *Friday* following the said Staff shall be yearly presented to the Lord of the Manor of *Lamborne-hall*, &c.—The Watch is kept at a Cross, in the middle of the town of *Abridge*.

“ *Chigwell*.

“ The *Sunday* following the Staff shall be presented to the land-owners of *Loughborrow*, &c.—The Watch kept at the Cross, against the church.

“ *Theydon Gernon*.

“ The *Monday* following the Staff to be presented to the Lord of the Manor of *Gaynes-Park-hall*, &c.—The Watch kept at *Webbis-Cross*, in *Theydon Gernon*.

“ *Morton*.

“ The *Tuesday* following the said Staffe shall be yearly presented to the Lord of the Manor of *Blake-Hall*, &c.—Watch kept in the midst of the town of *Morton*.

“ *Maudlin-Laver*.

“ The *Wednesday* following the Staffe shall be presented yearly to the Lord of the Manor of *High-Laver*, &c.—Watch at *Pool-Lane* end in *Maudlin Laver*.

“ This procession seems to have been a yearly muster of fencible men, who were appointed to guard the hundred against murders and robberies, for both which it was liable to pay a fine. If by preventing these the King receives no Harm, as in the loss of a subject, or the felonious breach of

his peace, the subject *escapes* a fine, otherwise due for suffering a murderer to escape.

“The ceremony began at *Abbase-Rothing*, as at the extremity of the hundred, went on to *Chigwell*, the other extreme, and returned to *High-Laver*, in the neighbourhood of *Ruckwood-hall*. At one of these two maner-houses we may suppose it deposited with due regard to royal authority. What we learn from records concerning the design of this ceremony of the *Ward-staff* is, that it was to represent the King’s person, and to keep the King’s peace. Some lands were held by the service of finding two men to watch with the *Ward-staff*, of keeping the *Ward-staff*, and of paying *Ward-silver*, and doing *White service* at the *Ward-staff*. To conclude, this *Ward-staff* was to be carried through the towns and hundreds of Essex, as far as a place called *Atte Wode* near the Sea, and be thrown there into the sea. This custom has long been neglected.”¹

Among the records we find that the manor of Madles in Epping, &c., the half of the manor of Chingelford (Chingford), and the manor of Kelvedon, and certain land at Babingworthe, were respectively held by the service of the *Ward-staff*. Edw. VI. in 1547 granted to Sir Richard Riche, Lord Riche, and his heirs, the manors of Hatfield Braddock (Broad Oak), and Bromshobury, otherwise King’s Hatfield, Hatfield Park, the Forest, Chace, and Springs of Hatfield, and Hatfield Manor; and a windmill, then worth £80 9s. 8d. per ann. clear; to be holden of the King by the service of one knight’s fee. He died 12th June, 1566, holding of the Queen, by the twentieth part of a knight’s fee, and the yearly rent of £13 16s. 4d., these manors, park, chace, &c., with the hundreds of Ongar and Harlow; and the *Wardstaff* of the same hundreds; then valued at £101 15s. 10d. From this it would appear that the service of the *Wardstaff* continued up to the time of Queen Elizabeth.

In the valuation of the revenues of the priory in this parish we find that there was paid into the King’s hands 11s., and to the King’s bailiff of the hundred of Harlowe for the *Ward-staff*, 3s. 4d. There was a rate by the name of *Ward-penny* collected in the hundred from all estates but those particularly excepted.

The procession of the *Wardstaff*, and the owners under it,

¹ See Morant, vol. i. pp. 126, 127.

is entirely lost, unless, says Morant, a copy might be found in the evidence house in Hatfield Church, where are great numbers of writings relating to the monastery and lordship.¹

One of the most singular customs in the county is at Rochford. It is thus described:—"At King's Hill every Wednesday morning next after Michaelmas-day, at cock's-crowing, there was by ancient custom held by the lord of the Honor of Raleigh a court called *Lawless Court*. The steward and suitors whispered to each other, and had no candles, nor any pen and ink, but supplied that office with a coal; and he that owed suit and service thereto, and appeared not, forfeited to the lord double his rent every hour he was absent. The Court was denominated *Lawless*, because held at an unlawful or lawless hour, or *quia dicta sine lege*." The title of it in the Court Roll runs thus:—

Kingshill in } ff
Rochford }

Curia de Domino Rege
Dicta sine Lege
Tenta est ibidem
Per ejusdem consuetudinem;
Ante ortum Solis,
Luceat nisi Polus,
Senescallus solus
Nil scribit nisi colis.
Toties voluerit,
Gallus ut cantaverit,
Per cujus solum sonitum
Curia est summonita,
Clamat clam pro Rege,
In Curia sine Lege:
Et nisi cito venerint,
Citius pœnituerint;
Et nisi clam accedant,
Curia non attendat;
Qui venerit cum lumine,
Errat in Regimine,
Et dum sunt sine lumine,
Capti sunt in crimine,
Curia sine cura
Jurati de injuria.

Tenta ibidem die Mercurii (ante diem) proximo post festum Sancti Michaelis Archangeli, Anno Regni Regis, &c.²

¹ See Morant, vol. ii. 503, and note; conf. Wright, Hist. Essex; also Beckwith's Blount.

² See Morant. The title in Wright is somewhat shorter.

The following account of this Court is printed by Hearne from the Dodsworth MSS. in the Bodleian Library, vol. 125:—
 “The mannor of Raylie, in Essex, hath a custome court kept yearely, the Wednesday nexte after Michael’s-day. The court is kept in the night, and without light, but as the skye gives, att a little hill without the towne called the King’s hill, where the steward writes only with coales, and not with incke. And many men and mannors of great worth hold of the same, and do suite unto this strange court, where the steward calls them with as low a voice as possibly he may: giving no notice when he goes to the hill to keepe the same court, and he that attends not is deeply-amerced, if the steward will.” “The tytle and entry of the court” is also given, but in a somewhat shorter form than that found in Blount and Wright. Weever,¹ who mentions this custom, says he had been informed that “this servile attendance was imposed at the first upon certaine tenants of divers mannors thereabouts, for conspiring in this place, at such an unseasonable time, to raise a commotion.” Camden² says, “this strange kind of punishment may seem to be inflicted for the negligence of the inhabitants in guarding the sea-coasts;” and he further observes, “it seemeth to be a remainder of the old feodary custom, used by the Emperors of Almain (Germany) and Kings of France, who, when they passed into Italy to receive the imperial crown at Roncalia, near to Placentia, encamped, and, hanging up a shield upon an high pole, summoned, with a low voice, all that held in fee of them to be present and answer to their names, at midnight, which whosoever neglected was answered with the loss of his landes. Of this you may reade Gunther the old Germane poet in his secund booke.”³ Wright⁴ says, “a Court is yet held here at midnight; and a pool marks the place where the conspirators assembled.” Mr. Swaine, of Rochford, informed me in February, 1862, that a Court was still held at King’s Hill yearly, called the “Whispering Court,” and if any one spoke above a whisper he was fined; and that the court was held at twelve o’clock at night. Mr. Gregson, of Rochford, solicitor to the lord of the manor (Mr. Bristow), in the same

¹ Fun. Mon. p. 605.

² In Supp. to Topog. Descr. Brit, in MS. under the author’s own hand, penes me inter Codd. Smithianos, n. vii. p. 27.

³ P. 65. See also Leland’s Itinerary, Oxon., 1712, vol. ix. pp. 160, 170.

⁴ Hist. Essex, 1835.

year also favoured me with the following information:—
 “There is a post standing at King’s Hill at which the names of all the tenants (about sixteen in number) are called over; but very few of them actually attend, although some one answers for them; the proceedings are done in a whisper, and the signing of the rolls is performed by making a mark on the post with a large firebrand, by the light of which the tenants’ names are called over and proclamations made. The rent-rolls for upwards of one hundred years are in my possession, and during that time there has been only the loss of one tenant; the quit-rents are merely nominal; the account in Morant is substantially correct; I have now attended the court for twenty-five years, and have never found any difficulty in collecting the rents or in any proceeding in the Court, and generally a great number of persons attend out of curiosity, &c.”

Brindwoods, at Chingford, was anciently held by the following strange custom. At every alienation the owner of the estate had to go to the parsonage with his wife, manservant, and maid-servant, each mounted on a single horse, he himself carrying a hawk on his fist, and the man leading a greyhound in the slips; both for the rector’s use that day. Arrived at the parsonage, the owner did his homage, and paid his relief by blowing three blasts with a horn. The rector then gave him a chicken for his hawk, a peck of oats for his horse, and a loaf of bread for the greyhound; after which they (very properly) dined; when the master of Brindwoods again blew three blasts with his horn, and they all departed. Morant says that this estate was lately (1768) in the possession of Daniel Haddon, of Braxted. In a letter from the Rev. Francis Haslewood, rector of Chingford, dated in November, 1721, to a friend, inserted in the *Gentleman’s Magazine*,¹ he says that Mr. Haddon, the then owner, showed him proofs of the existence of such a custom from the time of Queen Elizabeth inclusive to his time, according to the subjoined form:²—

“Bee it remembered, that the three and twentieth day of October, in the yeare of our Lord, 1659, came Samuëll Haddon, and Mary his wyfe, Edmond Cotster his man

¹ A paper on Lawless Court was lately read at the Society of Antiquaries, but I have not yet seen it. The present account of it was written many years since.

² 1790, p. 788.

³ See Beckwith’s Blount, p. 486.

servant, and Matthew [supposed for Martha] Walle his maide servant, to the parsonage of Chingford, at the comaund of Thomas Wytham, Master of Artes, and rector of the said parsonage. The said Samuell Haddon did his homage there, and paid his reliefe in maner and forme as hereafter followeth, for one tenement at Chingford that is called Scottes Mayhewes, alias Brendwood, which was lately purchased of Daniel Thelwel, Esq. First, the said Samuell did blowe three blastes with a horne, at the said parsonage, and afterward received of the said Thomas Wytham, a chicken for his hawke, a peck of oats for his horse, a loafe of bread for his greyhound, and afterward received his dinner for himselfe, and also his wyfe, his man, and his mayde. The maner of his cominge to the said parsonage was on horseback, with his hawke on his fist, and his greyhounde in his slippe: and after dinner blew three blastes with his horne at the said parsonage, and then paid twelve-pence of lawfull money of England for his relief, and so departed. All these seremoneys were done for the homage and reliefe of the said tenement at Chingford-hatch, called Scottes Mayhews, alias Brendwood, as before hath been accustomed to be donne, time out of mind. Witness to the performance of the seremoneys aforesaid.

“RALPHE DELLE,
 “JO. HETTE,
 “JOHN WOODWARD.”

There was a custom at Maldon, that for certain houses and lands sold within that borough thirteen-pence in every mark of the purchase-money should be paid to the town; which custom was claimed, *inter alia*, by a grant made to the town by the Bishop of London, anno 5 Hen. 4. Cowel calls it *Land-Cheap*, and says it was an ancient customary fine, paid either in cattle or money, at every alienation of land lying in some peculiar manor, or the liberty of some borough. “*Land-Cheap* est fortasse pretium fundi pacto datum vel debitum,” says Somner.¹ The word *cheap* is derived from the Anglo-Saxon *ceap*, bargain, sale, price, cattle, saleable commodities; from *ceapian*, to bargain, chaffer, trade.

¹ Wright says that by this custom all purchasers of freehold land within the borough pay for the use of the borough tenpence out of every mark of the purchase-money; and that in 1301 this ancient custom, with some other rents and profits arising from a moiety of the town, were holden of the King, *in capita*, by the service of the fourth part of a knight's fee; and in 1422 Henry Teye is stated to have holden a moiety of the lordship of the King as of the honour of Peverel.

I will conclude with the well-known jocular custom at Dunmow, viz., that of presenting a Flitch of Bacon to any married couple who can swear that neither of them in a twelvemonth and a day from their marriage has ever repented of his or her union. The claiming of the flitch is of great antiquity, being alluded to in *Piers Plowman*, *Leland*, and others.¹

Chaucer refers to it in the "Prologue of the Wife of Bath's Tale." The merry wife is relating how she treated her husbands, and shows they had little chance of obtaining a prize for matrimonial felicity. She observes:—

The Bacoun was nought fet for hem, I trowe,
That som men feeche in Essex at Dunmowe.

The next mention made of the custom occurs in an old theological poem, a sort of paraphrase in verse of the Ten Commandments, written towards the year 1460, and of which some extracts are printed in the *Reliquiæ Antiquæ*.² The author is commenting on the Seventh Commandment, and with great severity upon the fair sex.

¹ Mr. Harrison Ainsworth says:—

"Tis a very old custom of ours at Dunmow;
Fitzwalter established it ages ago.
Its antiquity, sure, can be doubted by no man,
Since 'tis mentioned by Chaucer and trusty Piers Plowman."

The Vision of Piers Plowman is a religious allegorical satire attributed to Robert de Langlande, and written about the year 1362. In the following lines (which are slightly modernised to render them intelligible) the satirist refers to the hasty and ill-assorted marriages that followed the great pestilence, the "black death":—

"Many a couple since the Pestilence
Have plighted them together;
The fruit that they bring forth
Is foul words,
In jealousy without happiness,
And quarrelling in bed;
They have no children but strife,
And slapping between them:
And though they go to Dunmow
(Unless the devil help!)
To follow after the Flitch,
They never obtain it;
And unless they both are perjured,
They lose the Bacon."

² By T. Wright and Halliwell, vol. ii. p. 29.

I can fynd no man now that wille enquere
 The parfyt wais unto Dunmow ;
 For they repent hem within a yere,
 And many within a weke, and sooner, men trow,
 That cawsaith the weis to be rough and overgrow,
 That no man may fynd path or gap ;
 The world is turned to another shap.
 Befo and moton wylle serve well enow,
 And for to seche so farr a lytill Bakon flyk,
 Which hath long hanggid resty and tow ;
 And the wey I telle yow is cumberous and thyk,
 And thou might stumble, and take the cryk ;
 Therefore bide at home, what so ever hap,
 Tylle the word be turnyd to another shap.

Mr. Thomas Wright, M.A., F.S.A., has also found allusions to the custom in MSS. of the latter part of the 15th century, at Oxford and Cambridge.

Howell, in 1659, also refers to it:—

Do not fetch your wife from *Dunmow*,
 For so you may bring home two sides of a sow.

The custom is supposed to have been first instituted in the manor of Little Dunmow by Lord Fitzwalter, in the reign of Hen. VI. (in 1445). The Chartulary of the Priory, now in the British Museum, contains entries and memoranda of three couples who obtained the bacon previous to the suppression of the religious houses. These were respectively on the 27th April, 1445; in the year 1467; and on the 8th September, 1510.¹ From 1510 until the publication of

¹ The Flitch of Bacon was originally given away at the ancient Priory situate about two miles from the Town of Great Dunmow. The Priory was founded in 1104 by the Lady Juga, sister of Ralph Baynard, who held the Manor at the time of Domesday Survey. The monastic buildings are now entirely razed to the ground. What remains of the Priory Church, which is only the east end of the choir and the north aisle, is used as the parish church of Little Dunmow. It contains several valuable monuments, in a good state of preservation: among others, that of Lady Juga, and the sculptured figure in alabaster of the fair Matilda, daughter of the second Walter Fitzwalter, famous in legendary story as the wife of Robin Hood, and the object of the illicit passion of King John, who is stated to have caused her to be poisoned for rejecting his addresses. Sir William Dugdale, in his *Monasticon*, relates the story of the "fair Matilda," and, in allusion to the Flitch of Bacon, says, "Robert Fitzwalter, who lived long beloved by King Henry, son of King John (as also of all the realm), betook himself in his latter days to prayer and deeds of charity, and great and bountiful alms to the poor, kept great hospitality, and re-edified the decayed Priory of Dun-

Morant's history the bacon had only been claimed and delivered four times. At one of these, viz., in 1701, two couples received the bacon. Morant¹ gives the following account of what took place upon this occasion:—"At a Court-

mow, which one Juga, a most devout and religious woman, had builded. In which Priory arose a custom, begun and instituted either by him or some of his ancestors, which is verified by the common saying or proverb, 'that he which repents him not of his marriage, either sleeping or waking, in a year and a day, may lawfully go to Dunmow and fetch a Gammon.'" It is certain that such a custom there was, and that the Bacon was delivered with such solemnity and triumph as they of the Priory and Town could make, continuing till the dissolution of that house. The party or pilgrim took the Oath before the Prior of the Convent, and the same was administered with long process and much solemn singing and chanting. Morant, the historian of Essex, says "the Prior and Canons were obliged to deliver the Bacon to them that took the Oath, by virtue (as many believe) of a Founder or Benefactor's Deed or Will, by which they held lands, rather than of their own singular frolic and wantonness, or more probably it was imposed by the Crown, either in Saxon or Norman times, and was a burthen upon their Estate." After the Pilgrims, as the Claimants were called, had taken the Oath, they were taken through the Town on a Chair, on men's shoulders, with all the Friars, Brethren, and Townsfolk, young and old, male and female, after them, with shouts and acclamations; and the Bacon was borne before them on poles. Some of the Claimants had a Flich, and some a Gammon, as appears by the following entries in the Register Book of the Priory, which are still preserved, and are now to be seen in the British Museum under the head "Dunmow" in the Catalogue of the Cotton MS. :—"Memorandum,—that one Stephen Samuel, of Little Easton, in the County of Essex, Husbandman, came to the Priory of Dunmow, on our Lady Day in Lent, in the Seventh year of King Edward IV., and required a Gammon of Bacon, and was sworn before Roger Bulcott, then Prior, and the Convent of this place, as also before a multitude of other neighbours, and there was delivered to him a Gammon of Bacon. Memorandum,—that one Richard Wright, of Badbourne, near the City of Norwich, in the County of Norfolk, yeoman, came and required the Bacon of Dunmow on the 27th day of April in the 23rd year of the reign of King Henry VI., and, according to the Charter, was sworn before John Cannon, Prior of this place, and the Convent, and many other Neighbours, and there was delivered to him, the said Richard, one Flich of Bacon. Memorandum,—that in the year of our Lord 1510, Thomas le Fuller, of Coggeshall, in the County of Essex, came to the Priory of Dunmow, and on the 8th September, being Sunday, in the Second year of King Henry VIII., he was, according to the form of the Charter, sworn before John Tils, the Prior of the house and Convent, as also a multitude of Neighbours, and there was delivered unto him, the said Thomas, a Gammon of Bacon." After the suppression of the Priory, and the removal of the Prior and the Friars therefrom, the Custom was kept up, and the Ceremony performed by the Steward of the Manor of Dunmow, late Priory, and a Jury of Maidens and Bachelors, at Court Barons held for that Manor. (*Pavey*.)

¹ Vol. ii. p. 429.

Baron of Sir Thomas May, Knight, holden 7 June, 1701, before Thomas Wheeler, Gent., steward, the homage being five fair ladies, spinsters, namely Elizabeth Beaumont, Henrietta Beaumont, Annabella Beaumont, Jane Beaumont, and Mary Wheeler; they found, that John Reynolds of Hatfield-Brodoke, Gent., and Anne his wife, and William Parsley of Much-Easton, butcher, and Jane his wife, by means of their quiet and peaceable, tender and loving cohabitation for the space of three years last past and upwards, were fit and qualified persons to be admitted by the Court to receive the antient and accustomed oath, whereby to entitle themselves to have the Bacon of Dunmow delivered unto them according to the custom of the maner. Accordingly, having taken the oath, kneeling on the two great stones near the church-door, the bacon was delivered to each couple." Again, in 1751, John Shakeshaft, of Weathersfield, in this County, and Ann his wife, received the Flitch. At a Court-Baron held by the manor-steward in 1763, the ceremony consisted in the claimants kneeling on two sharp-pointed stones in the churchyard, and there, after solemn chanting and other rites, taking the following oath :—

You shall swear by custom of confession,
 That you ne'er made nuptial transgression ;
 Nor since you were married man and wife,
 By household brawls or contentions strife,
 Or otherwise at bed or at board,
 Offended each other in deed or in word ;
 Or since the parish clerk said Amen,
 Wished yourselves unmarried again ;
 Or in a twelvemonth and a day,
 Repented not in thought any way ;
 But continued true in thought and desire,
 As when you joined hands in holy quire.
 If to these conditions without all fear,
 Of your own accord, you will freely swear,
 A whole *Gammon of Bacon* you shall receive,
 And bear it hence with love and good leave :
 For this is our custom at Dunmow well known,—
 Though the pleasure be ours, the Bacon's your own."

After the above oath had been administered, the pilgrim, as the happy husband was called, was taken up in a chair on men's shoulders, and carried about the churchyard, and through the village, with the bacon before him, attended by the parishioners, with shouts and acclamations; and finally

¹ This oath is found in Hearne.

sent home in the same manner.¹ Upon Madame de Chatelain applying for the Flitch in 1845, she was informed by the Lord of the Manor that the custom had fallen into desuetude.²

Soon after the publication of Mr. Harrison Ainsworth's tale, *The Flitch of Bacon, or the Custom of Dunmow*, in 1854, several inhabitants having formed a Committee, it was resolved that the ancient custom should be revived; whereupon Mr. Ainsworth agreed to co-operate with the Committee, and offered to present a Flitch of Bacon to any couple who might claim it the then next summer, and who could justify their title to the prize. He also consented to contribute five guineas towards the expenses of the entertainment on the occasion. A notice was afterwards inserted in the local newspapers, by order of the Committee, that all claimants for the Flitch to be presented in July, 1855, must forward their applications before the 24th of June then next, &c.; after which numerous claims were made, and from these two couples were selected, viz., Mr. James Barlow and wife, and the Chevalier and Madame de Chatelain; Mr. Ainsworth having kindly consented to present a second Flitch, so that both couples might be rewarded with prizes. The county journals contain a full account of what took place on this occasion, viz., on the 19th of July, 1855. The Hall was fitted up with jury-box, president's chair, and table for counsel, and by two o'clock was tolerably filled, a great part of the audience

¹ The Gentleman's Magazine and the old London Magazine of the year 1751 contain an account of the Presentation of the Gammon to Shakeshaft, and it is said that the successful candidates realised a large sum of money by selling slices of the Bacon to those who witnessed the ceremony. There were 5000 persons present, the largest number that had ever assembled. The waggons, carts, and carriages extended upwards of two miles from the town of Dunmow to the Priory, and were scarcely able to move. A large Hogarthian print by David Ogborne represents the Procession on this occasion; the couple being carried in a single chair on men's shoulders,—the curate of the parish walking before them in his band and gown, and a crowd of people shouting and huzzaing. Another large print was published at the same time, representing the same couple kneeling on two stones, taking the oath, in the presence of the Jury of Maidens and Bachelors. The antique chair on which the claimants were carried on this occasion is still preserved in the chancel of Little Dunmow Church, and may be seen on application to the Clerk. It is made of oak, and its dimensions are such as to bring the loving couple who may occupy it in rather close juxta-position. (*Pavey*.)

² I learn that the Bacon was awarded on the 16th July, 1851, to Mr. and Mrs. Hurrell (owners and occupiers of a farm at Felsted, Essex, adjoining Little Dunmow), when 3000 persons were present.

being ladies. Much amusement was caused by the selection of the jury of maidens and bachelors, a gentleman standing at the box angling for them; but at length a full pannel of six of each was obtained.

When the respective claimants were introduced, they were received with loud plaudits. The chair was occupied by Mr. Ainsworth, who opened the proceedings by reading a long address on the subject of the custom and its revival.

Mr. Bell, as counsel, then opened the case on the part of the claimants, and was followed by Mr. Costello on the part of the court. Mr. Barlow (who appeared to be between forty and fifty) was then subjected to examination, and said he began life as a ploughboy; he afterwards went four years as a postilion to a lady. He then went on to detail, in answer to questions in a style of legal burlesque, that he never had any dispute with his wife—never spoke a word to annoy or injure her feelings. Mary Ann Clarke testified to their connubial felicity, as did Mr. William Nicholas, governor of Ongar Union, who considered they were fully entitled to the Flicht. The question was then put to the jury, who unanimously found them entitled to the bacon—a verdict which was hailed with plaudits.

The same formalities were gone through with respect to the Chevalier and Madame de Chatelain, who were also declared entitled.

The president, jurors, &c., then left the Court, and, amidst the multitude without, the procession was formed in the following order:—

Marshal.

Stud of horses, mounted by yeomen in appropriate dresses, carrying banners with the names of all the claimants since the 13th century inscribed on them, and the arms of persons associated with the custom.

Ladies with garlands.

Banners borne by rustics dressed uniformly.

Maidens and bachelors of the jury in a carriage.

The Clerk of the Court, the Crier of the Court, the Counsel in a carriage.

Other officers of the Court, and gentlemen with wands, walking.

Gentlemen with wands, walking.

FLITCH OF BACON borne by four yeomen.

Band.

Officers of the Court and gentlemen with wands.

Mr. and Mrs. Barlow carried on a chair on men's shoulders.

Gentlemen with wands.

Banners borne by rustics.

Two minstrels playing pipe and tabor.

FLITCH OF BACON.

Band.

Le Chevalier and Madame de Chatelain carried on a chair on men's shoulders.

Mr. Harrison Ainsworth in a carriage.

The procession took its course through the principal street of Dunmow, halting at the Market Cross, where the proclamation was made by sound of trumpet and drum that the Flitches had been adjudged to the respective claimants, and would be publicly delivered to them in the field.

The party then proceeded to a neighbouring field, where a spacious pavilion had been erected. Inside was placed an elevated stage, on which were arranged the officers, counsel, and claimants. A solemn declaration was then made by each claimant, who knelt down on stones prepared for them, after which the Flitch was delivered to each couple by Mr. Ainsworth.

The proceedings thus far completed, the following record was duly made in all mock-official form:—

“ Town Hall, Dunmow.

“ The Special Court there held on Thursday, the 19th day of July, in the 19th year of the Reign of our Sovereign Lady Victoria, by the Grace of God of Great Britain and Ireland, Queen, Defender of the Faith, and in the year of

our Lord One thousand eight hundred and fifty-five, before William Harrison Ainsworth, Esquire.

“ JURY.

“ *Maidens.*

Bachelors.

“ Be it remembered that at this court it is found and presented that *Jean Baptiste François Ernest de Chatelain*, of *Grafton Place, Euston Square, London, Author*, and *Clara*, his wife, have been married for the space of twelve years last past and upwards. And it is likewise found, presented, and adjudged by this court that the said *Jean Bap. Fr. Ernest de Chatelain* and *Clara* his wife, by means of their quiet, peaceable, tender, and loving cohabitation for the space of time aforesaid, are fit and qualified persons to be admitted by the court to have the bacon at Dunmow delivered to them according to custom. Whereupon at this court, in full and open court, came the said *J. B. F. Ernest de Chatelain* and *Clara* his wife, in their own proper persons, and humbly prayed they might be admitted to make their solemn declaration; and the said *W. H. Ainsworth*, with the jury, witnesses, and officers of the court, having heard the evidence adduced and counsel on both sides, adjudged the said *J. B. F. Ernest de Chatelain* and *Clara* his wife entitled to claim the said Flitch of Bacon, and with the claimants proceeded with the usual solemnity to the place for the administration of the declaration, and receiving the bacon aforesaid, that is to say, to two great stones in the Windmill Field in Dunmow aforesaid, where the said *J. B. F. Ernest de Chatelain* and *Clara* his wife kneeling down on the said two stones, *Charles Pavey*, clerk of the court, did administer unto them the accustomed solemn declaration [in nearly the same words as before given].

“ And immediately thereupon the said *J. B. F. Ernest de Chatelain* and *Clara* his wife claiming the said bacon, the court pronounced the sentence for the same in these words, or to the effect following (to wit):—

“ Since to these conditions without any fear
Of your own accord you do freely declare,
A whole Flitch of Bacon you shall receive,
And bear it hence with love and good leave;
For this is our custom at Dunmow well known,—
Though the pleasure be ours, the bacon's your own.

lynage; slepyng ne wakyng at noo tyme; and yf the seyd B. were sole and I sole I wolde take her to be my wyfe before all the wymen of the worlde, of what condicones soever they be, good or evylle, as help me God and his seyntys, and this flesh and all fleshe."

In the margin of Blount's *Ancient Tenures*, the method of providing and demanding the Wichenor Flyke is said to have been translated in K. Henry VII.'s time from a Roll in French of K. Edw. III.'s time. "The Lord of Whichnour pays but half what others pay for a knight's fee, and for escuage, or ayde for knyghting the King's son, or marrying the King's eldest daughter, this Lord shall pay but the moty of it that other shall paye." From hence, says Morant, it may be presumed that this Bacon Tenure at *Dunmow* was originally from the Crown. It is observable that this Whichenour flyke, which was to be "hangyng in the hall ready-arrayed at all times of the yere, bott in Lent, to be given to everyche mane or womane married, after the day and yere of their marriage be past," was also "to be given to everyche mane of Religion, Archbishop, Prior, or other Religious, and to everyche Preest after the Yere and day of their Profession finished."

In memory of the jocular custom at Little Dunmow, one of the annual prizes of the Great Dunmow Agricultural Society, which was established in 1835, is a gammon of bacon, which is given to the married couple, labourer and wife, who have brought up the largest number of children without parochial relief and placed them in respectable service.

In Dr. Bell's work, entitled *Shakespeare's Puck and his Folk-lore*,¹ will be found much curious information as to the Dunmow Flich. The author observes, in reference to the custom in Germany, that in a very scarce work, entitled *Curieuse Antiquitäten*,² is a story entitled, "Der Man und die Speckseite"—"The Man and the Flich of Bacon." Further, that at Vienna, beneath the Red Tower, before it was taken down, hung a flich of bacon, to which were appended these lines:—

Befind' sich irgend hir ein Mann
Der mit den Wahrheit sprecken kann,
Dass ihm sine Heurath nisch gerowe,
Und fürcht' sich nisch vor sine Frowe,
Der mag desen Backen hereunter howe;

¹ Lond., 1852. 12mo.

² Published by Berckemeier, Hamburg, 1715.

which he interprets in similar doggerel:—

Is there to be found a married man,
That in verity declare can,
That his marriage him doth not rue,
That he has no fear of his wife for a shrew,
He may this bacon for himself down hew.¹

“Similar stories,” says Dr. Bell, “are told in the Austrian capital of the ludicrous failures of parties who occasionally applied, such as tradition has handed down of its brother at Dunmow, or the more ancient one, perhaps, at Wichenoore in Staffordshire.

“‘Once upon a time a man applied, and was bold enough to demand the fitch, and when a ladder was brought that he might cut down the unctuous prize, he requested that some one else would do it for him, as if he got a grease-spot on his Sunday clothes his wife would scold him terribly. Upon this the gatekeeper told him to be off—he could have no claim to the bacon. He who fears is certainly not master at home, and has certainly rued having married.’”

Dr. Bell then proceeds to connect these customs with those of more remote pagan antiquity, and remarks that the custom of hanging up fitches, perhaps as a reward for fecundity in the marriage state, in imitation of the sow to which the original side belonged, is interwoven into the earliest popular antiquities of the Romans, and he cites a passage from Spence's *Polymetis*:—“Alba Longa is the place where Æneas met the white sow and thirty pigs; and here was a very fine fitch of bacon kept in the chief temple, even in Augustus's time, as I find recorded in that excellent historian, Dionysius Halicarnassus.”

Dr. Bell also refers to the offering of a fitch of bacon by the heathen Prussians to Percunnos, the mightiest of their triune deities, an account of which is found in Tettau and Temme's *Volkssagen*, N. 11, p. 25:—“A mighty deity of the heathen Prussians was Percunnos. An eternal fire was kept burning before him, fed by oak billets. He was the god of thunder and fertility, and he was therefore invoked for rain and fair weather; and in *thunderstorms a fitch of bacon*

¹ In Bockstein (*Ostreich. Volkssagen*, s. 6) the verses are given differently, and the Red Tower in which the bacon hung is said to have been built by money paid for the ransom of Richard I. to the Archduke of Austria, and to have been pulled down in the innovating reign of the Emperor Joseph. Conf. Bell.

(*speck Seite*) was offered to him. Even now¹ when it thunders the boor in Prussia takes a fitch of bacon on his shoulder, and goes with his head uncovered out of his house, and carries it into his fields, and exclaims, 'O God, fall not upon my fields, and I will give thee this fitch.' When the storm is passed, he takes the bacon home, and consumes it with his household as a sacrifice." "Percunnos," continues Dr. Bell, "being the god of fertility, the analogy is still kept up; and although the occasion differs, yet, when the ceremony is concluded at Dunmow, the respective couples, like the Prussian boor, will convey the fitches to their homes rejoicing."

¹ As the relation is copied from J. L. Pollonus *De Diis Samogitiæ*, and Hartknock's *Alt und Neu Preussen*, the latter being published in 1529, it is difficult to know whether to fix this "now" at that time, or at the date of the publication of their *Volkssagen*, 1837. (*Tellau*.)

THE END.

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